

REMARKS

In response to the Office Action mailed September 8, 2008, Applicant respectfully requests reconsideration. To further the prosecution of this application, amendments have been made in the claims, and each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in condition for allowance.

Claims 1, 3 and 5-11 were previously pending in this application. Claims 1 and 11 are amended herein. No claims are added or canceled. As a result, claims 1, 3 and 5-11 remain pending for examination, with claims 1 and 11 being independent. No new matter has been added.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3 and 5-11 are rejected under 35 U.S.C. §103(a) as purportedly being obvious over “Dye-sensitized Solar Cells Using Semiconductor Thin Film Composed of Titania Nanotubes,” by Adachi et al. (“Adachi”) in view of U.S. Patent No. 5,350,644 to Graetzel et al. (“Graetzel”), U.S. Patent No. 6,376,765 to Wariishi et al. (“Wariishi”) and U.S. Patent No. 6,586,670 to Yoshikawa (“Yoshikawa”). Each of independent claims 1 and 11 is amended herein, and patentably distinguishes over any combination of the asserted references.

As amended herein, each of independent claims 1 and 11 includes limitations directed to a semiconductor layer containing titania nanotubes, and a sensitizing dye retained by the titania nanotubes. The sensitizing dye is an inorganic complex dye. Support for the amendments to claims 1 and 11 provided herein may be found in Applicant’s specification at, for example, p. 5, line 22 – p. 6, line 13.

Each of amended independent claims 1 and 11 patentably distinguishes over any combination of the asserted references. For example, none of the cited references discloses or suggests a sensitizing dye which is an inorganic complex dye. In this respect, Graetzel, which is relied upon by the Office Action to satisfy claim limitations directed to a sensitizing dye having no acidic substituents, says nothing at all relating to a sensitizing dye which is an inorganic complex

dye, as required by each of claims 1 and 11. Indeed, Graetzel also says nothing at all about a sensitizing dye which has no acidic substituents, as required by each of claims 1 and 11.

In addition, Wariishi, which the Office Action contends discloses “dyes that can be used in dye-sensitized solar cells” (Office Action, p. 4) also fails to disclose a sensitizing dye which has no acidic substituents and which is an inorganic complex dye, as required by each of claims 1 and 11.

Neither Adachi nor Yoshikawa remedy this deficiency of Graetzel and Wariishi, as neither of these references discloses or suggests a sensitizing dye having no acidic substituents which is an inorganic complex dye.

Accordingly, each of amended independent claims 1 and 11 patentably distinguishes over any combination of the asserted references, such that the rejection of these claims, and of the claims that depend respectively therefrom, under 35 U.S.C. §103(a) for purportedly being obvious over Adachi in view of Graetzel, Wariishi and Yoshikawa should be withdrawn.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1459.70075US00.

Dated: November 10, 2008

Respectfully submitted,

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